

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13  
: :  
Fred Smith, Jr. : No. 19-13290-MDC  
Imani N. Molock-Smith :  
Debtors :

ANSWER TO TRUSTEE'S MOTION TO DISMISS

Debtors, Fred Smith, Jr. and Imani N. Molock-Smith, by their Attorney David M. Offen respectfully submit the following:

1. Counsel for the Trustee had informed Debtor's counsel that the prior case would not have been contested had the Illinois case come down which held that student loans do not necessarily need to be considered in relation to the Chapter 13 debt limits.

2. In In Re: Christopher V. Pratola, Debtor, 2017 WL 660526 (Bankr. N.O. Ill. Dec. 27, 2017), the Illinois Bankruptcy Court ruled in a case similar to this involving the debt limit, the exceeding the debt limit is not a basis for dismissal if the student loan is a substantial debt that causes the debt limit to be exceeded. This Honorable Court should follow the decision of the Illinois Court.

WHEREFORE, the Debtors respectfully request that the Trustee's Motion to Dismiss be DENIED.

Respectfully submitted,

/s/ David M. Offen  
David M. Offen  
Attorney for Debtor

Dated: 9/10/19

CERTIFICATE OF SERVICE

The Standing Chapter 13 Trustee William C. Miller, will be served by electronic mail.

/s/ David M. Offen  
David M. Offen  
Attorney for Debtor

Dated: 9/10/19